

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

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O.A. No. 1636/88
T.A. No.

199

DATE OF DECISION 27.11.1990.

<u>Shri D.D. Verma</u>	Petitioner
<u>Shri B.S. Charya</u>	Advocate for the Petitioner(s)
Versus	
<u>Union of India & Ors.</u>	Respondent
<u>Shri P.H. Ramchandani</u>	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. Justice Amitav Banerji, Chairman

The Hon'ble Mr. I.K. Rasgotra, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? ✓
2. To be referred to the Reporter or not ? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✓
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✓


(AMITAV BANERJI)
CHAIRMAN

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PRINCIPAL BENCH: NEW DELHI

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SHRI D.D. VERMA & ORS.

APPLICANT

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

CORAM:

HON'BLE MR. JUSTICE AMITAV BANERJI, CHAIRMAN

HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

FOR THE APPLICANT

SHRI B.S. CHARYA, COUNSEL

FOR THE RESPONDENTS

SHRI P.H. RAMCHANDANI,
SENIOR COUNSEL

(JUDGEMENT OF THE BENCH DELIVERED BY

HON'BLE MR. I.K. RASGOTRA, MEMBER(A)

Shri D.D. Verma and three others, Technical Assistants of the Directorate of Signal Intelligence have filed this OA under Section 19 of the Administrative Tribunal Act, 1985 claiming parity in the scales of pay with those allotted to the Technical Assistants working in the Joint Cipher Bureau (JCB), Ministry of Defence on the basis of the recommendations of the Third Central Pay Commission.

2. Briefly the Technical Assistants in the Directorate of Signal Intelligence were allotted the scale of Rs. 425-700 whereas Technical Assistants in the JCB were allotted the scale of Rs. 425-800 in accordance with the recommendations of the 3rd pay commission.

The question for our consideration is whether the technical assistants working in the Dte. of Signal Intelligence are entitled to the same pay scales as are

allotted to the Technical Assistants in the JCB. 8

The disparity in the pay scales came into existence on the basis of recommendations of Third Pay Commission. The relevant recommendations of the Commission is reproduced below:

"At this level, there are certain posts of Technical Assistants under the Defence Ministry which are on the odd pay scale of Rs. 200-250-10-290-15-530. This scale is in vogue in the Ministry of Defence (Joint Cipher Bureau) and the Ministry of External Affairs for certain posts involving cipher work. It appears that under the Defence Ministry the posts of Technical Assistants are found in the Joint Cipher Bureau, the Air Headquarters and the Army Headquarters. We have examined the qualifications prescribed and the duties attached to these posts and find that while a Master's Degree is required in the case of these posts in the Joint Cipher Bureau, only a Degree is necessary in the case of the posts in Air and Army Headquarters. As to duties, we had a special study undertaken and found that the functions assigned to the Technical Assistants in the Joint Cipher Bureau called for greater initiative and original work. In fact, the posts of Technical Assistants in the Air and Army Headquarters are comparable in terms of qualifications and duties with similar posts in the UPSC where these are borne on the scale of Rs. 210-425. We would recommend that the posts of Technical Assistant on 200-530 in the Joint Cipher Bureau and 13 posts on the scale of Rs. 210-530 in other Ministries should be given the

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scale we have suggested for the Assistants of the CSS, and the posts in the Air and Army Headquarters should be placed on the scale of Rs. 425-700. However, the existing incumbents may be allowed to be fixed in the scale suggested for the CSS Assistants till such time as they retire or get promoted to higher grades."

It is observed that the Pay Commission in making the recommendation for the scale of pay besides considering the qualifications prescribed for the post of Technical Assistants in various Departments had specially undertaken a study as to the duties and responsibilities assigned to the Technical Assistants in JCB. After considering all relevant factors, the Commission observed that the:

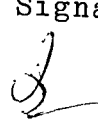
"functions assigned to the Technical Assistants in the Joint Cipher Bureau called for greater initiative and original work" (emphasis supplied)

Admittedly, the Third Pay Commission had also reckoned that a Master's degree was required in the case of these posts in the Joint Cipher Bureau while a degree is necessary in the case of in Air and Army headquarters.

Shri B.S. Charya, Learned Counsel for the Applicant submitted that the qualifications required for the Technical Assistants in the Directorate of Signal Intelligence and JCB are the same viz., Master's degree. Therefore, he was at considerable pains to stress the fact that the very premise of evaluating the duties and responsibilities of the post of Technical Assistants in JCB and in the Dte, of Signal Intelligence was erroneous. Having said so he submitted that the Technical Assistants in the Directorate of Signal Intelligence merit the same treatment as given to those in JCB. Shri B.S. Charya,

learned counsel for the applicant had further stressed that a file containing the note written by the Director, Directorate of Signal Intelligence should be called for by the Tribunal and perused to appreciate the nature of duties of the Technical Assistants in the Directorate of Central Intelligence.

Shri P.H. Ramchandani, learned Sr. Counsel for the respondents, however, submitted that although the pre-1973 scales of pay were same for the Technical Assistants in the various Departments/Ministries, the Third Pay Commission deliberately after carrying out a study of the duties and responsibilities recommended higher scale of pay for the Technical Assistants in the JCB, as the functions attached to them called for greater initiative and original work. The academic qualification alone was not the sole factor for recommending higher scale of pay for Technical Assistants in the JCB. It was the duties and responsibilities requiring greater initiative and original work that prevailed in allocation of higher and commensurate scale of pay. He further submitted that after the implementation of the scales of pay recommended by the Third Pay Commission w.e.f. 1.1.1973, the scales of pay of the Central Government employees have been considered and reviewed by the Fourth Central Pay Commission and that their recommendations have come into effect w.e.f. 1.1.1986. The matter of responsibilities and duties as also the qualifications etc. must have been considered by the Fourth Pay Commission also, but they have not made any recommendation in establishing parity in the scales of Technical Assistants in the JCB and Dte. of Signal Intelligence.



We have carefully considered the matter and the material placed before us. We are of the view that after an expert body had deliberated upon the matter and evaluated the responsibilities and duties of each category of posts and allotted the scales of pay it will not be proper for us to interfere in the matter. More so when the recommendations of the Third Pay Commission have already been reviewed and pay scales revised on the basis of the recommendations made by a high powered expert body like the Fourth Central Pay Commission. Our conclusion in this regard is fortified by a recent judgement pronounced by Hon'ble Supreme Court in the case of K. Vasudevan Nair & Ors. etc. etc. Vs. UOI & Ors. JT 1990(3)S.C. 58 delivered on 19.9.1990. In this case the SAS Accountants in the Office of Comptroller and Auditor General of India claimed parity in pay scales with the Section Officers in the Central Secretariat on the principle of 'equal pay for equal work'.

Their Lordships in the judgement (supra) however, observed that while the appellant petitioners claimed parity in regard to duties and pay scales, the respondents assert that the duties performed by the two sets of the Section Officers are different:

"It is not possible for us to determine the question on the basis of the assertions made in the writ petition and counter filed by the respondents. The pay revision by the Government was based on the recommendations of the Third Pay Commission, which was an expert body. The extent of material and expertise before the Pay Commission is obvious from Para 22 Part I of the report which is as under:


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'We devoted 98 days for taking oral evidence of service associations, 69 days for discussions with officials (including representatives of State Governments) and 31 days for taking evidence from non-official witnesses. We held internal meetings on 235 days to discuss various issues and finalise our recommendations.'

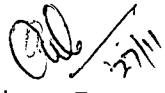
The Pay Commission took into consideration the statement of Comptroller and Auditor-General of India and all other material placed before it by the petitioners/appellants. We, therefore, see no force in this contention and reject the same."

We are in respectful agreement with the observations of their lordships in the case of K. Vasudevan Nair & others etc. etc. Vs. UOI & Ors (Supra) and therefore see no force in the contention of the applicants. The application, therefore fails and is dismissed with no order as to costs.


(I.K. Rasgotra)

Member (A)

27/11/1990


(Amitav Banerji)

Chairman